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ATTORNEY GENERAL

July 23, 1951
Op. No. 51-199

W. T. Holmes, Esq.
Civil Deputy County Attorney
Pima County Courthouse
Tucson, Arizona

Dear Mr. Holmes:

This acknowledges receipt of your letter of July 12, in which you request the opinion of this office

" * * * as to whether or not County Board of Supervisors may regulate parking and traffic on subdivision streets and expend County funds for the placing of proper signs thereon and provide a penalty for the violation of any such regulations."

The Highway Code relating to Chapter 3, House Bill No. 5, Laws of 1950, which became effective July 1, 1950, provides the answers to your question:

"Sec. 28. Power of Local Authorities.

(a) The provisions of this Act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks;

6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersection;

7. Restricting the use of highways as authorized in section 167 of this Act;

8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirements of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the prima facie speed limits as authorized herein;

11. Adopting such other traffic regulations as are specifically authorized by this Act.

(b) No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the commission.

(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), (9) or (10), of section 28 (a) shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

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W.T.Holmes, Deputy County Atty.
Tucson, Arizona

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Sec. 32. Local Traffic-Control Devices.
Local authorities in their respective jurisdiction shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Act or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications."

Section 169 makes the violation of any provisions of the Act a misdemeanor and provides the penalty upon conviction. It is possible that the Board of Supervisors does not have power to enact penal ordinances.

Since the local authorities - the Board of Supervisors - have the authority vested in them by law, as above indicated, they have by necessary implication the power to expend county funds to enforce that authority.

Sincerely yours,

FRED O. WILSON
Attorney General

PHIL J. MUNCH
Assistant Attorney General

PJM:f